

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
MAY 19, 2003

**D042140 Harry v. Superior Court of San Diego County/Kitlas**

The petition is denied.

**D041746 Lasher v. Superior Court of San Diego County/Lasher**

The petition is denied.

**D041025 People v. Calvo**

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

**D040569 Scripps Clinic v. Superior Court of San Diego County/Thompson**

Order certifying opinion for publication.

**D041982 Ronald N. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The attorney for petitioner Ronald N. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

**D039059 Iliff v. Dustrud**

Appellant Paul S. Dustrud's petition for rehearing is denied.

**D041704 DiMaggio v. Glassman**

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 20(c)(2)). Each party to bear own costs on appeal.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
MAY 20, 2003

**D040345        People v. Smith**

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

**D039323        People v. Smith**

**D039325**

(Consolidated) Judgment affirmed. Haller, Acting P.J.; We Concur: McIntyre, J., McConnell, J.

**D039275        Southern California Underground Contractors, Inc. v. The City of San Diego**

The petition for rehearing is denied.

**D040130        Harry et al. v. Freed**

The judgment is affirmed. Respondent is entitled to costs on appeal. Aaron, J.;  
We Concur: McDonald, Acting P. J., McConnell, J.

**D040448        In re the Conservatorship of Sullivan**

The judgment is affirmed. McIntyre, J.; We Concur: Huffman, Acting P.J., Nares, J.

**D039011        People v. Grayson**

The judgment is affirmed. Benke, P.J.; We Concur: Kremer, P.J., McDonald, J.

**D040042        Leon et al. v. Sharp Health Care et al.**

The judgment is affirmed. McIntyre, J.; We Concur: Nares, Acting P.J., Haller, J.

**D040216        People v. Rivera**

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

**D041626        Amber D. v. Superior Court of San Diego County/San Diego County Health and  
Human Services Agency**

The petition is denied. Huffman, J.; I Concur: Nares, J.

**D041708        Rodgers v. Workers' Compensation Appeals Board and John Clark**

The petition is denied.

**D042166        O'Gara et al. v. Superior Court of San Diego County/Carlsbad Unified School  
District**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
MAY 21, 2003

**D040142      Cuatro Catellus, L.P. v. Silverton Nachant Corporation**

The judgment is affirmed. Kremer, P.J.; We Concur: McDonald, J., O'Rourke, J.

**D028177      West Coast General Corporation v. City of Carlsbad**

Upon written stipulation filed by the parties to the appeal, the appeal is dismissed and the remittitur is ordered to issue immediately. Each party to bear own costs on appeal.

**D039479      Garrison v. Hodge et al.**

Order denying petition for rehearing and modifying opinion . (No change in judgment)

**D042077      Batchelor et al. v. F.I.M. Research Associates et al.**

F.I.M. Research Associates and Curtis Richmond's appeal is dismissed on the ground the orders challenged are not appealable orders.

**D041766      Lauren B. v. Superior Court of San Diego County/San Diego County Health and Human Services Agency**

The petition is denied. O'Rourke, J.; We Concur: Huffman, Acting P.J., Nares, J.

**D041916      People v. Parsons**

Upon filing an abandonment of appeal, personally signed by the defendant, the appeal is dismissed and the remittitur is ordered to issue immediately (Cal. Rules of Court, rule 38).

**D041045      In re Emmanuel M., a Juvenile**

Judgment affirmed. Haller, J.; We Concur: Benke, Acting P.J., Nares, J.

**D040513      People v. Kellum**

The judgment is affirmed. O'Rourke, J.; We Concur: Kremer, P.J., Huffman, J.

**D041167      Marron et al. v. Superior Court of San Diego County/Hassanein et al.**

Let a writ of mandate issue directing the superior court to vacate its order of October 25, 2002, granting RUC's motion for summary adjudication of the dependent adult abuse cause of action and to enter a new order denying the motion. Costs are awarded to the prevailing party. The stay issued by this court on January 16, 2003, is vacated. CERTIFIED FOR PUBLICATION. McDonald, J.; We Concur: Nares, Acting P.J., McIntyre, J.

**D040488      People v. Gibbs**

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

**D039818      People v. Felix**

The case is remanded for resentencing. The trial court shall amend the abstract of judgment and forward a copy of the amended abstract of judgment to the Department of Corrections. In all other respects, the judgment is affirmed. CERTIFIED FOR PUBLICATION. Kremer, P.J.; We Concur: Huffman, J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
MAY 21, 2003(continued)

**D040906          Jensen et al., v. County of San Diego et al.**

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 17(a).  
The appeal is dismissed.

**D038861          People v. Redondo**

The judgment is affirmed. Haller, J.; We Concur: Nares, J., O'Rourke, J.

**D041439          In re the Marriage of Lasher**

The petition is denied.

**D042026          Mark O. v. Superior Court of San Diego County/San Diego County Health and  
Human Services Agency**

The attorney for petitioner Mark O. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

**D042042          Angel Jr. v. Superior Court of San Diego County/County of San Diego et al.**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
MAY 22, 2003

**D040099        People v. Johnson**

The judgment is affirmed. Huffman, J.; We Concur: Kremer, P.J., O'Rourke, J.

**D042047        Vernell J. v. Superior Court of San Diego County/San Diego County Health and  
Human Services Agency**

The attorney for petitioner Vernell J. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case is dismissed.

**D039489        Navarette v. Holland**

We affirm the judgment on the malicious prosecution claim. We reverse the portion of the judgment relating to the defamation and intentional infliction of emotional distress claims. We order the court to vacate its order granting the demurrer and instead grant Paul leave to amend the complaint. The parties to bear their own costs on appeal. CERTIFIED FOR PUBLICATION. Haller, J.;  
We Concur: Nares, Acting P.J., O'Rourke, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
MAY 23, 2003

**D039021        People v. Carty**

The judgment is affirmed. McIntyre, J.; We Concur: Huffman, Acting P.J., Nares, J.

**D041079        In re Victoria S., a Juvenile**

The order is affirmed. Nares, J.; We Concur: Kremer, P.J., Haller, J.

**D041865        Tiffany M. et al. v. Superior Court of San Diego County/San Diego County Health  
and Human Services Agency**

The attorney for petitioner David H. has notified the court on behalf of the petitioner that a Petition for Writ of Mandate under Rule 39.1B will not be filed as there are no viable issues for writ review. The case as to David H. is dismissed.

**D039150        In re Marriage of Robert and Patsy Hendrick**

The petition for rehearing is denied.

**D039672        People v. Ross**

The probation order is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., McIntyre, J.

**D040243        People v. Rhodes**

The order is affirmed. Kremer, P.J.; We Concur: Haller, J., McDonald, J.

**D041599        In re Stewart on Habeas Corpus**

The petition is denied.